



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,707	07/03/2001	Thomas Zickell	NEI-010XX	2439
7590	07/29/2004		EXAMINER	
Bourque & Associates, P.A. Suite 303 835 Hanover Street Manchester, NH 03104			AUGHENBAUGH, WALTER	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

S.C.

Office Action Summary	Application No.	Applicant(s)	
	09/898,707	ZICKELL, THOMAS	
	Examiner	Art Unit	
	Walter B Aughenbaugh	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 May 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 and 11-20 is/are pending in the application.
 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-9 and 11-15 is/are rejected.
 7) Claim(s) 13 and 15 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 19, 2004 has been entered.

Acknowledgement of Applicant's Amendments

2. The amendments made in claims 1-3 and 13-15 in the Amendment filed May 19, 2004 (Amdt. C) have been received and considered by Examiner.

3. The cancellation of claim 10 in Amdt. C. has been acknowledged by Examiner.

WITHDRAWN OBJECTIONS

4. The objection to claim 10 made of record in paragraph 8 of Paper 8 has been withdrawn due Applicant's cancellation of claim 10 in Amdt. C.

WITHDRAWN REJECTIONS

5. The 35 U.S.C. 112 rejection of claims 3 and 13-15 that was repeated in paragraph 6 of Paper 8 has been withdrawn due to Applicant's amendments in claims 3 and 13-15 in Amdt. C.

6. The 35 U.S.C. 112 rejection of claims 1, 3, 10, 13 and 15 made of record in paragraph 9 of Paper 8 has been withdrawn due to Applicant's amendments in Amdt. C.

7. The 35 U.S.C. 103 rejection of claims 1-4, 9 and 11-15 made of record in paragraph 10 of Paper 8 has been withdrawn due to Applicant's amendment in claims 1 and 14 in Amdt. C.

8. The 35 U.S.C. 103 rejection of claims 5-8 and 10 that was repeated in paragraph 7 of Paper 8 has been withdrawn due to Applicant's amendment in claim 1 in Amdt. C.

REPEATED REJECTIONS

9. The 35 U.S.C. 112 rejection of claims 2 and 14 made of record in paragraph 9 of Paper 8 has been repeated for the reasons previously made of record in paragraph 9 of Paper 8. In regard to claim 2, the "generally opposite" recitation has not been addressed. In regard to claim 14, while Applicant's replacement of "bottom lower" with --lower surface-- overcomes the first basis of rejection of claim 2 under 35 U.S.C. 112, the remaining bases for rejection have not been overcome. The new recitation "said adjacent rolled roofing membranes" also lacks antecedent basis.

NEW OBJECTIONS

Claim Objections

10. Claims 13 and 15 are objected to because of the following informalities: should "fire resistance" be --fire resistant--? Appropriate correction is required.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

11. Claims 1-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennepohl et al. in view of Simpson et al. and in further view of McGroarty et al.

In regard to claim 1, Kennepohl et al. teach a rolled covering material comprising a substrate having upper and lower surfaces (backing, col. 1, line 39), an asphalt composition saturating the substrate and coating the upper surface of the substrate to form a decorative surface area and granules contacting the upper surface of the asphalt composition on the

decorative surface area (col. 1, lines 38-48 and col. 3, line 65-col. 4, line 5). Kennepohl et al. fail to teach that the asphalt composition coats a portion of the upper surface of the substrate, that there is a clean surface area on the upper surface of the substrate, that there is an adhesive composition disposed on at least a portion of the bottom surface of the substrate to form an adhesive surface area wherein the adhesive surface area adheres to the clean surface area when overlapping strips of two adjacent covering materials are applied to cover a support surface such that substantially only the decorative surface areas of the adjacent covering materials are exposed and that there is a release backing disposed over the adhesive surface area.

Simpson et al. disclose a rolled covering material (col. 6, lines 19-34 and 56-58), for use in covering a support surface by overlapping adjacent strips of the covering material (col. 6, lines 35-38), comprising a substrate having upper and lower surfaces (impregnated mat, item 92, col. 5, lines 34-54), an asphalt composition saturating the substrate (col. 5, lines 48-54) and coating the upper surface of the substrate to form a decorative surface area (coating, item 24, col. 3, lines 25-29 and col. 4, lines 36-39) on the upper surface of the substrate, an adhesive composition disposed on at least a portion of the bottom surface of the substrate to form an adhesive surface area (adhesive, item 94, col. 5, lines 48-62) and a release backing disposed over the adhesive surface area (release paper, item 96, col. 5, lines 48-62). Simpson et al. disclose that in operation the release paper (item 96) is removed to expose the adhesive (item 94) to a support surface (roof surface, item 98) (col. 5, lines 55-57). Therefore, one of ordinary skill in the art would have recognized to have disposed an adhesive composition on at least a portion of the bottom surface of the substrate of Kennepohl et al. to form an adhesive surface area and to have disposed a release backing over the adhesive surface area since it is notoriously well known to dispose an

adhesive on a covering material so that the covering material can be adhered to a support surface as taught by Simpson et al. and to dispose a release backing over the adhesive surface so that the covering material with adhesive can be rolled without the adhesive sticking to the previous turn of the covering material as taught by Simpson et al.

McGroarty et al., furthermore, disclose a waterproofing sheet (item 10) that is especially valuable for use on roofs, having an edge portion (item 13, Fig. 1) that is left without the layers that are coextensive over the remainder of the sheet (excluding edge portion, item 13) so that the sheets can be lapped so that the sheets, when installed (i.e. fastened via an adhesive, col. 2, line 61), provide a continuous impervious layer (col. 2, line 49-col. 3, line 11 and Fig. 1 and 2) (i.e. the adhesive surface area adheres to the clean surface area when overlapping strips of two adjacent covering materials are applied to cover the support surface such that substantially only the decorative surface areas of the adjacent covering materials are exposed). Therefore, one of ordinary skill in the art would have recognized to have coated only a portion of the upper surface of the substrate of Kennepohl et al. with the asphalt composition of Kennepohl et al. resulting in a clean surface area on the upper surface of the substrate such that the adhesive surface area adheres to the clean surface area when overlapping strips of two adjacent covering materials are applied to cover the support surface such that substantially only the decorative surface areas of the adjacent covering materials are exposed as taught by McGroarty et al. in order to enable strips of the covering material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have disposed an adhesive composition on at least a portion of the bottom surface

of the substrate of Kennepohl et al. to form an adhesive surface area and to have disposed a release backing over the adhesive surface area since it is notoriously well known to dispose an adhesive on a covering material so that the covering material can be adhered to a support surface as taught by Simpson et al. and to dispose a release backing over the adhesive surface so that the covering material with adhesive can be rolled without the adhesive sticking to the previous turn of the covering material as taught by Simpson et al. and to have coated only a portion of the upper surface of the substrate of Kennepohl et al. with the asphalt composition of Kennepohl et al. resulting in a clean surface area on the upper surface of the substrate such that the adhesive surface area adheres to the clean surface area when overlapping strips of two adjacent covering materials are applied to cover the support surface such that substantially only the decorative surface areas of the adjacent covering materials are exposed as taught by McGroarty et al. in order to enable strips of the covering material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

In regard to claim 2, Simpson et al. teach that the rolled covering material further includes a parting agent covered surface area (the silicon compound release coating, col. 3, lines 32-35) of the bottom surface of the substrate that necessarily resists (because it is a release coating) adhering to the clean surface area of the rolled covering material (of Kennepohl et al., Simpson et al. and McGroarty et al.) when the covering material is rolled that is generally opposite the clean surface area of the rolled covering material of Kennepohl et al., Simpson et al. and McGroarty et al. since the clean surface area as claimed in claim 1 is on the upper surface of the substrate. The parting agent covered surface area of Simpson et al. is necessarily disposed

about the end region of the substrate which the clean surface area is disposed proximate to since the silicon compound release coating covers the bottom surface of the substrate.

In regard to claim 3, McGroarty et al. disclose a waterproofing sheet (item 10) that is especially valuable for use on roofs, having an edge portion (item 13, Fig. 1) that is left without the layers that are coextensive over the remainder of the sheet (excluding edge portion, item 13) so that the sheets can be lapped so that the sheets, when installed, provide a continuous impervious layer (col. 2, line 49-col. 3, line 11 and Fig. 1 and 2). Furthermore, McGroarty et al. teach that the decorative surface area (the membrane, item 10, Fig. 1, col. 4, lines 51-52) is wider than the surface area of the adhesive waterproofing layer (item 11, col. 4, lines 55-60) that corresponds to the adhesive surface area of Simpson et al., the layer that would be covered by the parting agent according to the teachings of Simpson et al. (see Fig. 1). Therefore, one of ordinary skill in the art would have recognized to have coated the adhesive surface area of Simpson et al. on the substrate of Kennepohl et al. such that the decorative surface area of Kennepohl et al. is wider than the surface area of the parting agent covered surface area as taught by McGroarty et al. in order to enable strips of the covering material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have coated the adhesive surface area of Simpson et al. on the substrate of Kennepohl et al. such that the decorative surface area of Kennepohl et al. is wider than the surface area of the parting agent covered surface area as taught by McGroarty et al. in order to enable strips of the covering material to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

In regard to claim 4, Kennepohl et al. teach that the substrate includes felt (col. 1, lines 39 and 48-53, also col. 8, line 66-col. 9, line 4), a fibrous material.

In regard to claim 5, Kennepohl et al. teach that the substrate is a fiberglass mat (col. 8, line 66-col. 9, line 5).

In regard to claim 6, Kennepohl et al. teach that the asphalt composition includes limestone as the mineral filler (col. 5, line 62-col. 6, line 3). While Kennepohl et al., Simpson et al. and McGroarty et al. fail to explicitly teach that the asphalt composition includes an oxidized asphalt, Kennepohl et al. teach that oxidized asphalt (col. 7, lines 36-55) with a mineral filler (col. 1, lines 20-48) is a notoriously well known noncombustible material for use as roofing. Therefore, one of ordinary skill in the art would have recognized to have oxidized the asphalt composition of Kennepohl et al. since oxidized asphalt is a notoriously well known noncombustible material for use as roofing as taught by Kennepohl et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have oxidized the asphalt composition of Kennepohl et al. since oxidized asphalt is a notoriously well known noncombustible material for use as roofing as taught by Kennepohl et al.

In regard to claim 7, Kennepohl et al. teach that the asphalt composition includes limestone as the mineral filler (col. 5, line 62-col. 6, line 3).

In regard to claim 8, Kennepohl et al. teach that the limestone filler is present in the asphalt composition in an amount of 50% by weight of the asphalt composition (col. 6, lines 35-36) and that the remainder is oxidized asphalt (col. 6, lines 1-61). Simpson et al. teach styrene-butadiene block copolymer in an amount of 13% by weight of an asphalt composition (col. 4,

lines 22-44). Normally, it is to be expected that minor changes in the relative amounts of filler, asphalt and rubber in an asphalt composition would be an unpatentable modification. Under some circumstances, however, changes such as a change to the relative amounts of filler, asphalt and rubber in an asphalt composition may impart patentability to an article if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art. *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

In regard to claim 9, Kennepohl et al. teach that the substrate has exposed felt (col. 5, lines 16-17); therefore, the clean surface area of the covering material taught by Kennepohl et al., Simpson et al. and McGroarty et al. includes exposed fibers from the felt. The clean surface area is on the upper surface of the substrate, so the exposed fibers from the felt are on the upper surface of the substrate.

In regard to claim 11, Simpson et al. teach that the adhesive composition includes a rubberized asphalt material (col. 6, lines 21-34; styrene-butadiene radial block polymer is a rubber). In regard to claim 12, Simpson et al. teach that the adhesive composition includes by weight 13% styrene-butadiene block polymer, 12% sand (filler), 7% oil and 63% bitumen (flux asphalt, col. 4, lines 35-39). Normally, it is to be expected that minor changes in the relative amounts of rubber, filler, oil and asphalt in an asphalt based adhesive would be an unpatentable modification. Under some circumstances, however, changes such as a change to the relative amounts of rubber, filler, oil and asphalt in an asphalt based adhesive may impart patentability to an article if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art. *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

In regard to claim 13, while Kennepohl et al., Simpson et al. and McGroarty et al. fail to explicitly teach that the fuel content of the asphalt composition is low enough such that the asphalt composition is fire resistant, Kennepohl et al. teach that the composite building material of Kennepohl et al. has superior fire retarding properties (col. 5, lines 62-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have adjusted the fuel content of the adhesive composition to determine the fuel content that yields the optimum fire resistance to achieve a fire resistant asphalt composition depending on the desired end user result, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art in the absence of unexpected results. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

In regard to claim 14, Kennepohl et al. teach a rolled roofing membrane comprising a substrate having upper and lower surfaces (backing, col. 1, line 39), an asphalt composition saturating the substrate and coating the upper surface of the substrate to form a roofing surface area and a granular material contacting the upper surface of the asphalt composition on the roofing surface area (col. 1, lines 38-48 and col. 3, line 65-col. 4, line 5). Kennepohl et al. fail to teach that the asphalt composition coats a portion of the upper surface of the substrate, that there is a clean surface area on the upper surface of the substrate, that there is an adhesive composition disposed on a first portion of the lower surface of the substrate to form an adhesive surface area wherein the adhesive surface area adheres to the clean surface area of an adjacent rolled roofing membrane when overlapping strips of adjacent rolled roofing membranes are applied to cover a roof such that the granular material of each of the adjacent rolled roofing membranes are exposed, that there is a release backing disposed over a bottom surface of the adhesive surface

area and that there is a parting agent covering a second portion of the lower surface of the substrate.

Simpson et al. disclose a rolled roofing membrane (col. 6, lines 19-34 and 56-58), for use in covering a roof by overlapping adjacent strips of the roofing membrane (col. 6, lines 35-38), comprising a substrate having upper and lower surfaces (impregnated mat, item 92, col. 5, lines 34-54), an asphalt composition saturating the substrate (col. 5, lines 48-54) and coating the upper surface of the substrate to form a roofing surface area (coating, item 24, col. 3, lines 25-29 and col. 4, lines 36-39) on the upper surface of the substrate, an adhesive composition disposed on a first portion of the lower surface of the substrate to form an adhesive surface area (adhesive, item 94, col. 5, lines 48-62) and a release backing disposed over the adhesive surface area (release paper, item 96, col. 5, lines 48-62). Simpson et al. disclose that in operation the release paper (item 96) is removed to expose the adhesive (item 94) to a roof surface (item 98) (col. 5, lines 55-57). Simpson et al. disclose that the rolled roofing membrane further includes a parting agent (the silicon compound release coating, col. 3, lines 32-35) covering a second portion of the lower surface of the substrate that necessarily resists (because it is a release coating) adhering to the clean surface area when the rolled roofing membrane is rolled. Therefore, one of ordinary skill in the art would have recognized to have disposed an adhesive composition on a first portion of the lower surface of the substrate of Kennepohl et al. to form an adhesive surface area and a parting agent on a second portion of the lower surface of the substrate, and to have disposed a release backing over the adhesive surface area since it is notoriously well known to dispose an adhesive on a roofing membrane so that the roofing membrane can be adhered to a roof as taught by Simpson et al. and to dispose a release backing over the adhesive surface and a parting agent

over the nonadhesive portion of the lower surface of the substrate so that the roofing membrane with adhesive can be rolled without the adhesive sticking to the previous turn of the roofing membrane as taught by Simpson et al.

McGroarty et al., furthermore, disclose a waterproofing sheet (item 10) that is especially valuable for use on roofs, having an edge portion (item 13, Fig. 1) that is left without the layers that are coextensive over the remainder of the sheet (excluding edge portion, item 13) so that the sheets can be lapped so that the sheets, when installed (i.e. fastened via an adhesive, col. 2, line 61), provide a continuous impervious layer (col. 2, line 49-col. 3, line 11 and Fig. 1 and 2) (i.e. the adhesive surface area adheres to the clean surface area of an adjacent rolled roofing membrane when overlapping strips of adjacent rolled roofing membranes are applied to cover the roof such that the granular material of each of the adjacent rolled roofing membranes is exposed). Therefore, one of ordinary skill in the art would have recognized to have coated only a portion of the upper surface of the substrate of Kennepohl et al. with the asphalt composition of Kennepohl et al. resulting in a clean surface area on the upper surface of the substrate such that the granular material of each of the adjacent rolled roofing membranes is exposed when overlapping strips of adjacent rolled roofing membranes are applied to cover the roof as taught by McGroarty et al. in order to enable strips of the roofing membrane to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have disposed an adhesive composition on a first portion of the lower surface of the substrate of Kennepohl et al. to form an adhesive surface area and a parting agent on a second

Art Unit: 1772

portion of the lower surface of the substrate, and to have disposed a release backing over the adhesive surface area since it is notoriously well known to dispose an adhesive on a roofing membrane so that the roofing membrane can be adhered to a roof as taught by Simpson et al. and to dispose a release backing over the adhesive surface and a parting agent over the nonadhesive portion of the lower surface of the substrate so that the roofing membrane with adhesive can be rolled without the adhesive sticking to the previous turn of the roofing membrane as taught by Simpson et al. and to have coated only a portion of the upper surface of the substrate of Kennepohl et al. with the asphalt composition of Kennepohl et al. resulting in a clean surface area on the upper surface of the substrate such that the granular material of each of the adjacent rolled roofing membranes is exposed when overlapping strips of adjacent rolled roofing membranes are applied to cover the roof as taught by McGroarty et al. in order to enable strips of the roofing membrane to be lapped together so that the sheets, when lapped together, provide a continuous impervious layer as taught by McGroarty et al.

In regard to claim 15, Kennepohl et al. teach that the asphalt composition includes limestone as the mineral filler (col. 5, line 62-col. 6, line 3). Simpson et al. teach that the adhesive composition includes a rubberized asphalt material (col. 6, lines 21-34; styrene-butadiene radial block polymer is a rubber). While Kennepohl et al., Simpson et al. and McGroarty et al. fail to explicitly teach that the asphalt composition includes an oxidized asphalt, Kennepohl et al. teach that oxidized asphalt (col. 7, lines 36-55) with a mineral filler (col. 1, lines 20-48) is a notoriously well known noncombustible material for use as roofing. Therefore, one of ordinary skill in the art would have recognized to have oxidized the asphalt composition of Kennepohl et al. since oxidized asphalt is a notoriously well known noncombustible material for

use as roofing as taught by Kennepohl et al. While Kennepohl et al., Simpson et al. and McGroarty et al. fail to explicitly teach that the fuel content of the asphalt composition is low enough such that the asphalt composition is fire resistant, Kennepohl et al. teach that the composite building material of Kennepohl et al. has superior fire retarding properties (col. 5, lines 62-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have adjusted the fuel content of the adhesive composition to determine the fuel content that yields the optimum fire resistance to achieve a fire resistant asphalt composition depending on the desired end user result, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art in the absence of unexpected results. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

ANSWERS TO APPLICANT'S ARGUMENTS

12. Applicant's arguments on pages 10-15 of Amdt. C regarding the 35 U.S.C. 103 rejection of claims 1 and 14 over Simpson et al. in view of McGroarty et al., and in further view of Kennepohl et al. are moot due to the withdrawal of this rejection in this Office Action.

Conclusion

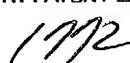
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is 571-272-1488. The examiner can normally be reached on Monday-Thursday from 9:00am to 6:00pm and on alternate Fridays from 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter B. Aughenbaugh
07/23/04

WBA


HAROLD PYON
SUPERVISORY PATENT EXAMINER



7/26/04